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11 Attorneys for Petitioner

12 UNITED STATES DISTRICT COURT
13 DISTRICT OF NEVADA
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15 KEVIN JAMES LISLE,

16 Petitioner,

17 v.

18 WILLIAM GITTERE, Warden, Ely State
Prison & AARON FORD, Nevada Attorney
19 General,

20 Respondents.
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Case No. 2:03-cv-1006-MMD-CWH

**STIPULATION AND PROPOSED
ORDER**

DEATH PENALTY CASE

1 On July 5, 2019, this Court adopted the parties proposed stipulation
2 describing the process for recommending of and assistance for a Court's expert to
3 determine "whether Lisle is competent to make [a waiver of further proceedings]
4 and whether his waiver is knowing, intelligent, and voluntary." ECF No. 358 at 5;
5 ECF No. 363 at 6.

6 Since that time, the parties have attempted to contact eleven potential
7 experts. Communications with potential experts is more difficult as the parties seek
8 to comply with their agreement, adopted by the Court to, share all communications
9 with potential experts with the other side, either by inclusion on e-mails or through
10 conference calls. ECF No. 363 at 2.

11 The parties have received some responses from potential experts, but will
12 still need to review responses, vet those experts, and see if they can reach
13 agreement as to a recommended expert. Alternatively, the parties will be
14 forwarding separate recommendations to the Court.

15 As a separate matter, David Anthony, the Capital Habeas Unit Chief, will be
16 on personal leave from July 19 – 28, 2019. Mr. Anthony would need to approve the
17 Petitioner's position regarding this issue.

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1 The parties respectfully request that the time to submit a proposed agreed
2 upon expert, or separate recommendations of an expert (two per side) until August
3 9, 2019, rather than the originally stipulated date of July 17, 2019.

4 DATED this 17th day of July, 2019.

5 RENE L. VALLADARES
6 Federal Public Defender

AARON FORD
Nevada Attorney General

7
8 /s/ David Anthony
9 DAVID ANTHONY
Assistant Federal Public Defender

/s/ Michael Bongard
MICHAEL BONGARD
Deputy Attorney General


10 /s/ Erik R. Guenther
11 ERIK R. GUENTHER
Assistant Federal Public Defender

12 /s/ Stacy M. Newman
13 STACY M. NEWMAN
Assistant Federal Public Defender

1 **ORDER**

2 Based on the stipulation and for good cause shown, it is hereby ordered that
3 the Court agrees that the parties may have until August 9, 2019, to forward a joint
4 recommendation for a Court's expert to determine "whether Lisle is competent to
5 make [a waiver of further proceedings] and whether his waiver is knowing,
6 intelligent, and voluntary." If they are unable to reach agreement, then each side is
7 to forward two names to the Court by August 9, 2019.

8 Dated this 18th day of July, 2019.

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11 _____
12 MIRANDA M. DU
13 UNITED STATES DISTRICT JUDGE
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